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SIPDIS

SENSITIVE

DEPT FOR EUR/CACEN AND DRL/IL-LAUREN HOLT  
DOL/ILAB FOR TINA MCCARTER

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SUBJECT: ARMENIA: EXPLOITATIVE CHILD LABOR REMAINS RARE

REF: A) STATE 143552 B) YEREVAN 1387 C) 04 YEREVAN 1838

1. (U) Sensitive but unclassified. Please protect accordingly.

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SUMMARY  
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2. (SBU) In March 2005, the Armenian National Assembly adopted and President Robert Kocharian signed legislation that established the State Labor Inspectorate, a new government agency responsible for implementing and enforcing Armenia's new Labor Code. The Labor Code, enacted July 12 and drafted to meet International Labor Organization (ILO) standards (ref B), prohibits child labor but conflicts with several articles of Armenia's existing civil and criminal codes. An interagency working group tasked with synchronizing the laws and setting the Labor Inspectorate on course plans to submit its findings in December 2005. Bonded, arduous, or exploitive child labor is very rare in Armenia. The high demand for employment, especially for unskilled workers, and the Armenian cultural premium on family make it unlikely that employers would force valuable or hazardous jobs on children. While conventional bonded or slave child labor may not be a significant problem in Armenia, we have encouraged the GOAM to take more active measures to protect women from trafficking (ref C) and sexual exploitation. The GOAM has never prosecuted a case of exploitive child labor, and maintains that it is not a problem in Armenia. End Summary.

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ARMENIA: EXPLOITATIVE CHILD LABOR RARE  
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2. (SBU) The following responses are keyed to Ref A and update Ref B.

A) Laws against the worst forms of child labor:

-In 2005, Armenia ratified three international instruments on the protection and promotion of children's rights: the Optional Protocol to the Convention of the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Pornography (February 28), the Optional Protocol to the CRC on the involvement of children in armed conflict (March 21), and International Labor Organization (ILO) Convention 182 on the worst forms of child labor (March 22).

-Armenia's new labor code, adopted November 9, 2004, and enacted July 12, 2005, incorporates the CRC protocols and ILO Convention 182, prohibits child labor (Article 17, Section 1), sets the minimum age for employment at 14 years old (Article 17, Section 2), and prohibits exceptions to the minimum age requirements (Article 17, Section 3). Children 14 to 16 years old must also obtain permission from a parent or guardian to work (Article 17, Section 2).

-Under the new labor law, children under 18 years old are prohibited from working in hazardous conditions (Article 257, Sections 1-4), though the law does not adequately define those conditions. The Government has not developed a list of occupations considered to be among the worst forms of child labor.

-The Armenian Criminal Code, adopted April 11, 2003, does not specifically address the "worst forms of child labor," but punishment for exploitive child labor includes: human trafficking (one to eight years imprisonment and fines under Section 7, Chapter 20, Article 132), involving minors in prostitution (one to six years imprisonment and fines under Section 7, Chapter 20, Article 166), child trafficking (three to seven years imprisonment and fines under Section 7, Chapter 20, Article 168), disseminating and involving minors in child pornographic material (two to four years imprisonment and fines under Section 9, Chapter 25, Article 263).

-The minimum age for completing educational requirements in Armenia varies according to the age at which the child first

enrolled in school. Generally, however, primary and basic education is compulsory to age 14. UNICEF's 2004 Armenia report asserted that 25 percent of children in Armenia did not continue studies after eighth grade.

B) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor:

-On March 24, 2005, the Armenian National Assembly adopted and President Robert Kocharian signed legislation that established the State Labor Inspectorate, a new government agency with responsibility for implementing and enforcing Armenia's new labor code. On April 19, 2005, the State Labor Inspectorate officially replaced the Monitoring and Inspections Department of the State Social Insurance Fund. The Monitoring and Inspections Department had neither received nor investigated a single child labor complaint since its establishment in 1992.

-According to State Labor Inspectorate Director Arsen Grigoryan, staff from the now-defunct State Social Insurance Fund Monitoring and Inspections Department transferred to the new State Labor Inspectorate. The Labor Inspectorate will maintain ten regional field offices, but has made little progress toward establishing a support infrastructure, implementing an inspection regime or sifting through the requirements of the new labor code. The new agency -- which resembles the old department -- has not designated specific inspectors to specialize in child labor issues and has not received any child labor complaints.

-During a USG-sponsored workshop in May 2005, GOAM officials drafted the Inspectorate's mission statement, designed the Labor Inspectorate's departmental structures, and identified timelines for training inspectors. USAID also sponsored a study tour for eight State Labor Inspectorate officials to visit their counterparts in Bulgaria.

-According to UNICEF child protection officer Naira Avetisyan, the new labor code -- which is based on international protocols and European Union standards -- conflicts with existing Armenian legislation, has ambiguous enforcement mechanisms, and is rife with technical errors. The new Labor Inspectorate, she says, will require "some time" to "wade through" its new duties.

-Head of the Ministry of Labor and Social Affairs Department of Women, Family and Children Lala Ghazaryan told us her department drafted the child labor section of the new labor code, but that the language was "too general to be effective." Minister of Labor Aghvan Vardanyan, according to Ghazaryan, signed a memorandum in August establishing an interagency commission that will now revise the legislation. Ghazaryan predicted the commission would submit recommendations to the National Assembly "by around December" 2005.

-According to Armenian Human Rights Ombudsman Larissa Alaverdyan, none of the 850 written human rights complaints she received this year included cases of child labor. Armenian National Police Juvenile Police Division Head Nelly Duryan said none of the 280 juvenile police officers she manages had investigated any cases related to child labor.

C) Social programs to prevent children from engaging in the worst forms of child labor:

-According to official Ministry of Education statistics, approximately ten thousand Armenian children are currently enrolled in special state-run boarding schools and orphanages, where the GOAM provides education and food free of charge. Approximately nine hundred children reside in state orphanages. The remaining nine thousand reside in 53 special boarding schools. UNICEF-Armenia child protection officer Naira Avetisyan said approximately eight thousand of these enrollees are registered with the Ministry of Education as disabled.

-Ministry of Labor and Social Affairs Social Support Department Head Astghik Minasyan confirmed press reports that the GOAM has begun issuing one-time allowances of AMD 20,000 (approximately USD 43) to approximately five thousand needy families. The program, which began August 22, 2005, is intended to provide families with assistance in purchasing clothing and school supplies for their primary school-aged children.

-Armenian NGO "Orran" maintains a home for approximately sixty orphaned and abandoned children, including children rescued from Armenian streets. According to Executive Director Heriknaz Harutunyan, none of the children for which her NGO provides assistance had been victims of exploitive child labor, though we know that many had been street prostitutes.

- "Orran" NGO Executive Director Heriknaz Harutunyan estimates

that approximately fourteen thousand Armenian children do not attend school because their families lack funds for basic supplies, clothing, and food. In 2002, the last year UNICEF compiled data on homelessness in Armenia, UNICEF reported the Ministry of Interior had identified 135 "children living and working in Armenian streets." UNICEF-Armenia child protection officer Naira Avetisyan says the number of children currently "living and working" in the streets in 2005 is "about the same."

-The NGO Fund for Armenian Relief (FAR) maintains a Children's Reception Center that shelters, assesses, and refers "troubled and vulnerable" children to special institutions including state-run boarding schools and orphanages. Acting Director Sarkis Movsisyan told us that, since 2000, the Armenian National Police have referred more than 900 children to the center. According to Movsisyan, some parents or family members had charged fees to "customers" for the minors' "sexual services." Juvenile Police officers and state social workers work with the children to develop criminal cases and provide social services.

D) Comprehensive policies designed to eliminate the worst forms of child labor:

-On February 23, 2005, Foreign Minister Vartan Oskanian and UNICEF Representative Sheldon Yett signed the Program of Cooperation between the Government of Armenia and UNICEF 2005-2009 Action Plan. The Action Plan defines the current situation of children and women in Armenia, lists "lessons learned" from past cooperation, defines national priorities and "social programs for disadvantaged groups, including children and women," lists child protection measures the GOAM should implement, and defines the partnership strategy and commitments. The GOAM-UNICEF Action Plan tracks goals enumerated in the National Plan of Action for the Protection of the Rights of the Child (ref B and C), adopted in November 2002.

E) Armenia's continued progress toward eliminating the worst forms of child labor: There are no significant exploitive child labor problems in Armenia.  
EVANS